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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,022	11/30/2000	Masami Kato	35.C14963	9969
5514	7590	12/06/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			ABDULSELAM, ABBAS I	
			ART UNIT	PAPER NUMBER
			2677	

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/726,022	<b>Applicant(s)</b> KATO ET AL.	
	<b>Examiner</b> Abbas I. Abdulsalam	<b>Art Unit</b> 2677	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,5-7 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-7 and 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/03/05 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 3, 5-7 and 9-11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5-7 and 9-11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Seligmann (USPN 6330022) in view of Tatsuki et al. (Japanese publication # 11-289524) and Hardy (USPN 6025870).

Regarding claims 1, 3 and 5, Seligmann teaches participants or conferees (100, 110, 120 130) of a video conference with each participant connected via a local network, wide area network or any other network structure (150) to a conference bridge (160) and a processor /server (170). Seligmann teaches the conference bridge receiving four separate video signals, one video signal for each conferee over respective links (102, 112, 122, 132). Seligmann teaches video processing circuitry with respect to each terminal (101, 111, 121 131) enabling the generation of a conference image (520). See col. 7, lines 14-31 and Fig 5. Seligmann teaches each participant uses its terminal as an intelligent communication device such as a terminal (101), which include a telephone, a personal computer, a camera and microphone. See col. 5, lines 51-58. Furthermore, Seligman teaches a conferee control system including the use of a network blackboard, which is a virtual space for conferees to make certain data, video or other entries that can be observed by other conferees. In addition, Seligmann teaches multimedia video conferencing in terms of distributed computer program as well as stored in memory and processor/server (170) or memory (441). See Fig. 6 and col. 1, lines 43-46.

Seligmann does not teach a monitoring step of monitoring a period when a concentration of a user is continuously toward the display device based on an image of the user picked up by a camera.

Tatsuki on the other hand teaches a video of participants of a video conference in each client (6) is transmitted to a server by a camera (6) such that the server (5) send a virtual conference space back to each client (6) to display (see the abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seligmann's video conferencing shown in Fig. 1 to adapt Tatsuki's camera-server configuration as illustrated in the abstract because a server along with a camera helps establish a video conference system as taught by Tatsuki (see a "SOLUTION" in the abstract)

Seligmann has been discussed above. However, Seligmann does not disclose "a control step of automatically changing a display on the display device to a display of common virtual space for rest by informally communicating with other users when it is determined that the user should take a rest".

Hardy on the other hand teaches a videoconference system (1) including video switch (30), which performs switching operations and provides selected local video information for subsequent display on monitor (50). Hardy also teaches that the event information provided by a notification allows the videoconferencing system to determine when the switching should occur. See Fig 1 and col. 3, lines 12-34.

Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify Seligmann's video conferencing system shown in Fig. 1 to incorporate Hardy's video switch along with event notification because the use of video switch helps function a process of videoconferencing as taught by Hardy (col. 2, lines 59-65).

Regarding claim 6, Seligmann teaches a video processor (410) in connection to the images of the participants. See col. Col. 9, lines 20-33.

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Regarding claim 7, Seligmann teaches an actual virtual conference room portion (510) or a video presentation portion (530) and option icon portion (520) for selecting conference options. See col. 9, lines 67 and col. 10, lines 1-3.

Regarding claim 9, Seligmann teaches that a participant may select a context for a virtual conference including the use of voice-activated actuations. See col. 4, lines 41-43.

Regarding claim 10, Seligmann teaches events occurring during a set-up and during the conference with each participant making their own selection and an image being created of a virtual conference space (col. 11, lines 48-67).

Regarding claim 11, Seligmann teaches a server (170) establishing communication with all identified participants. See Fig 12, lines 17-25.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art is cited for further reference.

Japanese publication # 07-175733 to Teodoro et al.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abbas I. Abdulsalam whose telephone number is (571) 272-7685. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abbas Abdulsalam

Examiner

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November 30, 2005

AMR A. AWAD  
PRIMARY EXAMINER  
